

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2010-27-T

IN RE:

Application of Share Care Transport,
Incorporated for a Class C (Non-
Emergency) Certificate of Public
Convenience and Necessity for Operation
of Motor Vehicle Carrier

**PETITION
TO
INTERVENE**

TO: PUBLIC SERVICE COMMISSION

Carrie A. Fox, Attorney for the Petitioner Pee Dee Regional Transportation Authority
herein, would respectfully show unto the Commission as follows:

FACTS

1. Pee Dee Regional Transportation Authority (hereinafter "PDRTA") is a regional transportation authority organized pursuant to South Carolina Code of Laws § 58-25-10 et seq and existing pursuant to the laws of the State of South Carolina.
2. PDRTA is exempt by statute from Public Service Commission jurisdiction. See South Carolina Code Ann. § 58-5-30.
3. PDRTA operates Non-Emergency Medical Transportation (hereinafter "NEMT")¹ and other regional transportation services in Chesterfield, Marlboro, Marion, Dillon, Darlington, Florence, Horry and Georgetown counties.

¹ Certain Medicaid eligible individuals who demonstrate that they cannot access medical care due to a lack of transportation may be eligible to be transported to and from medical services by an approved provider.

4. Upon information and belief, the Applicant, Share Care Transportation, Inc., (hereinafter "Share Care") in its original application to the Public Service Commission filed on January 11, 2010, applied for a Class C (Non-Emergency) certificate authorizing statewide operation.
5. Upon information and belief, Share Care, in its Amended Application for Non-Emergency Charter Certificate from Share Care Transport, Inc. filed on January 21, 2010, has applied for a Certificate of Public Convenience and Necessity for Operation in Charleston, Georgetown, Williamsburg, Berkeley, Marion, and Dillon Counties.
6. Upon information and belief, Share Care intends to provide NEMT if it receives a Class C (Non-Emergency) Certificate of Public Convenience and Necessity for Operation.
7. Upon information and belief, PDRTA, Coast RTA, Williamsburg Transit and at least twenty-two (22) NEMT transportation providers currently serve the six county area identified in Share Care's Amended Application for Class C (Non Emergency) Certificate of Public Convenience and Necessity.
8. Upon information and belief, the current number of passenger trips per day being provided for NEMT clients is approximately 715.
9. PDRTA's current daily capacity (number of passengers it can carry at one time) is One Thousand Four Hundred Seventy-five (1,475), comprised of available seating on:
 - a. Fifty-seven (57) 14-passenger vehicles;
 - b. Twenty-four (24) 18-passenger vehicles;
 - c. Eleven (11) 20-passenger vehicles; and,
 - d. Five (5) additional minivans available to transport twenty-five (25) passengers or five (5) wheelchair clients.

10. While PDRTA is exempt from Public Service Commission jurisdiction pursuant to South Carolina Code Ann. § 58-5-30,:

- a. All PDRTA drivers meet and/or exceed the Driver Qualifications/ Requirements set forth in South Carolina Code Ann. Regs. § 103-133(6)(A);
- b. All PDRTA vehicles meet and/or exceed the Vehicle Requirements set forth in South Carolina Code Ann. Regs. § 103-133 (6)(B);
- c. All PDRTA vehicles meet and/or exceed the Vehicle Maintenance Requirements set forth in South Carolina Code Ann. Regs. § 103-133(6)(C);
- d. PDRTA complies with and/or exceeds the Drug Testing Requirements set forth in South Carolina Code Ann. Regs. § 103-133(6)(D); and,
- e. PDRTA complies with and/or exceeds the Schedule of Minimum Insurance Limits set forth in South Carolina Code Ann. Regs. § 103-133(6)(F).

PUBLIC CONVENIENCE AND NECESSITY

11. PDRTA opposes Share Care's Application for Class C (Non Emergency) Charter Certificate and maintains that the public convenience and necessity is already being served in the area identified by Share Care in its Amended Application for Certificate of Public Convenience and Necessity. See South Carolina Ann. § 58-23-330 and South Carolina Ann. Regs. § 103-133.

12. PDRTA has ample empty seats available on its fleet of vehicles to transport ambulatory and wheelchair passengers in counties identified by Share Care's Amended Application for Class C (Non-Emergency) Charter Certificate of Public Convenience and Necessity.

13. PDRTA, with its highly trained drivers and ample fleet of vehicles to transport both ambulatory and wheelchair passengers, fulfills the public convenience and necessity in counties identified by Share Care's Amended Application for Non-Emergency Charter Certificate of Public Convenience and Necessity.

14. Upon information and belief, in addition to PDRTA, two regional transportation authorities and twenty-two (22) other NEMT providers collectively satisfy the public convenience and necessity in Charleston, Georgetown, Williamsburg, Berkeley, Marion, and Dillon Counties.

FIT, ABLE & WILLING CRITERIA, S.C. REGS. §103-133(4), §103-133(6)

15. PDRTA maintains that the Application of Share Care for Class C (Non-Emergency) Certificate of Public Convenience and Necessity for Operation of Motor Vehicle does not contain ample information that is determinative of the Applicant's fitness, ability, and willingness to operate Non-Emergency Vehicles, as prescribed in South Carolina Code Ann. Regs. § 103-133(4) and §103-133(6); rather it merely represents that the Applicant "understands" certain driver requirements:

- a. As to "fitness," Share Care has not demonstrated that it is familiar with all statutes and regulations governing for-hire motor carrier operations in South Carolina;
- b. As to "ability," Share Care has not demonstrated that it has purchased, leased, or obtained the necessary equipment to provide the service for which it is applying;
- c. Given discrepancies in whether Share Care is both "Fit" and "Able" as described in South Carolina Code Ann. Regs. § 103-133(4) and §103-133(6), Share Care has not demonstrated it meets the criteria for "Willing" as described in South Carolina Code Ann. Regs. §103-133(4) and § 103-133(6);
- d. Share Care has not demonstrated that it meets the minimum standards required by Driver Qualifications/Requirements set forth in South Carolina Code Ann. Regs. § 103-133(6)(A);
- e. Share Care has not demonstrated that its vehicle (a 2007 Grand Caravan with no Vehicle Identification Number) meets and/or Exceeds the Vehicle Requirements set forth in South Carolina Code Ann. Regs. § 103-133(6)(B);
- f. Share Care has not demonstrated that its vehicle (a 2007 Grand

Caravan with no Vehicle Identification Number) meets and/or Exceeds the Vehicle Maintenance Requirements set forth in South Carolina Code Ann. Regs. § 103-133(6)(C);

- g. Share Care has not demonstrated that it complies with and/or exceeds the Drug Testing Requirements set forth in South Carolina Code Ann. Regs. § 103-133(6)(D); and,
- h. Share Care has not demonstrated that it complies with the coverage amounts prescribed by the Schedule of Minimum Insurance Limits set forth in South Carolina Code Ann. Regs. § 103-133(6)(F);

WHEREFORE, Petitioner PDRTA prays that the Commission issue an Order:

- a. Allowing PDRTA to intervene in the proceedings initiated by Share Care's Application for Non Emergency Charter Certificate from Share Care Transport, Inc;
- b. Allowing PDRTA to conduct discovery consistent with South Carolina Code Ann. Regs. §§ 103-832, 103-833, 103-834, and 103-835;
- c. Setting a hearing to determine Share Care's fitness, ability, and willingness as defined in South Carolina Code Ann. Regs. § 103-133 and referenced in South Carolina Code Ann. § 58-23-330;
- d. Setting a hearing to determine whether public convenience and necessity (referenced in South Carolina Code Ann. § 58-23-330 and South Carolina Code Ann. Regs. § 103-133) is already established in Share Care's proposed service area;
- e. Denying the Application of Share Care Transport, Inc. for a Class C (Non-Emergency) Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier; and
- f. Providing for any and all other relief deemed just and proper by the Commission.

AIKEN, BRIDGES, ELLIOTT, TYLER
& SALEEBY, P.A

s/Carrie A. Fox
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February 5, 2010

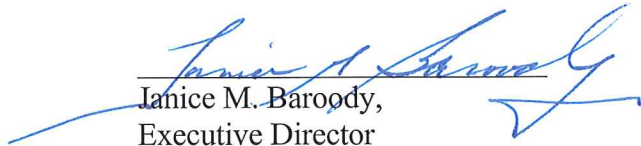
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ATTORNEYS FOR PETITIONER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

VERIFICATION

PERSONALLY appeared before me Janice M.Barood, Executive Director of Pee Dee Regional Transportation Authority, Petitioner, who being first duly sworn, says that she has read the said Petition and is familiar with the contents of the same and that the allegations contained therein are true, except such matters as are stated upon information and belief, and as to such, she verily believes the same to be true.



Janice M. Barood,
Executive Director
Pee Dee Regional Transportation Authority

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CERTIFICATE OF SERVICE

This is to certify that I have this date served one (1) copy of the **PETITION TO INTERVENE** in the above-reference matter to the persons named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

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s/Carrie A. Fox
CARRIE A. FOX

February 5, 2010
Florence, South Carolina